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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/661,382

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Wayne H. Rothschild

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EXAMINER

RENDON, CHRISTIAN E

ART UNIT

PAPER NUMBER

3714

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/661,382	Applicant(s) ROTHSCHILD ET AL.	
	Examiner Christian E. Rendón	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 10, 11, 15-19, 21, 24-29, 33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10, 11, 15-19, 21, 24-29, 33 and 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Response to Amendment***

This office action is in response to the amendment filed September 7, 2007 in which applicant has amended claims 1-6, 10-11, 15-17, 19, 24-29 & 33-34, canceled claims 7-9, 12-14, 20, 22-23, 30-32 & 35-37, and responded to claim rejections. Claims 1-6, 10-11, 15-19, 21, 24-29 & 33-34 are pending.

***Claim Rejections - 35 USC § 103***

**Claims 1, 3-6, 10-11, 15-16, 18-19, 21, 24, 26-29 and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over the IGN Staff (Xbox Specs) as evidenced by Xbox.com (Xbox LAN Parties: Using System Link) in view of one of ordinary skill.**

1. In October of 2001 the public was informed of the specifications and capabilities of the newly anticipated Microsoft XBOX (IGN Staff). The prior art discloses that the Xbox will contain broadband capabilities and the release of the "system link cable," "a cable for connecting two consoles for 8 player gameplay" (IGN Staff). This capability is referred to as a "LAN Party" which requires two TVs or displays, two consoles each with its own copy of the game, a "system link cable" (Xbox.com) and one controller or 'gaming control unit' for every player. There are several past gaming systems that have also included this feature, "LAN Parties" into their system under different names: "iLink" for the Sony PlayStation 2 (PS2), "DirectLink" for the Sega Saturn, "Game Link" for the Nintendo Gameboy (GB), GB Color, and GB Advance. The functionality of "LAN Party" is included in several games of different genres: Halo, MotoGP, ESPN NFL Football; which allows for player to separately explore a game world at their own pace (Halo), have a full view of the race track (MotoGP) or play a game of football from their own perspective (ESPN NFL Football). The nature of video games is to provide an interactive experience through multiple forms of media: video in the form of game images and cinematic scenes, audio through regular TV speaker or a 5.1 Dolby surround sound system, feedback signals or "Rumble Feature" to a player's controller. All of these medias are initiated differently by a

game but in general cinematic scenes are triggered by the player reaching a certain point in the game's plot and are used as a means to further explore the main story or a side story. The scenes of a side story are considered a bonus or treat since it further enriches the story but it is not necessary to understand the main plot. These side story scenes some times contain audio: songs, sounds, spoken conversations that is only accessible to a player through these scenes. Trigger events can also produce feedback signals to represent the player taking damage from a bullet (Halo), crashing (MotoGP) or receiving a hit (ESPN NFL Football); which are features that are viewed as an extra or a bonus since the user is allowed to turn them off if they would like to.

2. Regarding claims 1, 5, and 10, the method claims of the current application are rejected in light of the background information stated above. The Xbox gaming system provides four controller ports (IGN Staff) for accessories and controllers or a 'gaming control unit'. Through the controller a player will perform certain operations that will result in an outcome, hence the interactive nature of a video game. As the player plays through a game or the primary media, they will activate trigger events or a bonus state that will present a secondary media like a cinematic scene, a change in the music or sending a rumble signal to the controller. The media is presented by one or more video game system when a game is utilizing its "LAN Party" capability. Furthermore, the Office would like to state that video games based on poker or casino games are well known in art since the days of the original Nintendo Entertainment System (NES). It would have been obvious to one having ordinary skill in the art of video games to have created a video game based on poker or a casino since each new iteration is prettier or flashier then the previous one but essentially the same game therefore carrying little patentable weight.

3. Regarding claims 3, 18 and 26, the prior art is silent on the subject of using the system to play any form of casino games. The Office views 'monetary value' as an object relating to money, as defined by the online Compact Oxford English dictionary. Therefore the virtual money within a casino

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video game is viewed as having a monetary value within the game since it fulfills the same function as real world money. It would have been obvious to one of ordinary skill in the art of gaming to create a gambling game for the PS2 and Xbox. It is the nature of the video game industry to create a variety of games for different audiences and creating a casino game for people who like to gamble with fantasy money is no different. Hence the reason why older game systems like the Super Nintendo, Genesis, etc have casino games: Super Caesar's Palace and 777 Casino. However if applicant wishes to argue the limitations of monetary value, the applicant should respectfully consider the art combination of an XBOX with a coin slot and dispenser. In other words, slot machines that include microprocessors to accomplish certain tasks have been around for several years now therefore are considered well known in the art.

4. Regarding claims 4, 19 and 27, all contain the limitation of using an Xbox as the adapted video game system. A limitation that is met by the disclosed prior art.

5. Regarding claims 6 and 29, the prior art is silent about retransmitting a signal when an acknowledgement is not received. It is well known in the art of computer system to retransmit the signal when an acknowledgement is not received in order to complete the Handshaking protocol in progress.

6. Regarding claims 11 and 34, all of the said media is stored somewhere and in some form in the memory hierarchy of the gaming system: cache, RAM, flash card, Hard Drive, DVD-ROM.

7. Regarding claim 15-16, the limitations are similar to claim 1 therefore this claim is rejected under the same logic. The prior art discloses that the Xbox is capable of 64 audio channels. In other words, the system is able to produce audio for various speaker configurations: mono, stereo, quad, full surround, sub-woofer, etc. Therefore if a person chooses to use a secondary audio unit like a 5.1 Dolby Surround System in conjunction with their TV speakers to create a 7.1 surround sound system, the Xbox can provide the necessary audio signals to utilize this particular audio setup.

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8. Regarding claim 21, video animation is inherent to video games.

9. Regarding claims 24, 28, 33, the claim limitations of these claims disclose a system of hardware components that are also described by the prior art, which were mentioned above during the background explanation and the rejection of the method claims.

**Claims 2, 17 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giancarlo Varanini ("TimeSplitters 2 to support system link") as evidence by Alexander Lee ("iLink setup FAQ").**

10. The above description of "LAN Parties" disclosed by the IGN Staff as evidence by Xbox.com & the limitations they pertain is considered within this art rejection as well. Since the setup and capabilities of this feature are the same for the PS2 which are explained by Lee. Varanini discloses a game called "TimeSplitters 2" capable of utilizing the "LAN Party" feature on an Xbox (System Link) and the PS2 (iLink). Therefore this art combination reads on these claim limitations as well as the claims they depend too. Furthermore it is well known in the art of gaming that a cinematic scene is a form of video animation.

***Claim Rejections - 35 USC § 102***

**Claims 1, 3, 5-6, 10-11, 15-16, 18, 21, 24, 26, 28-29 and 33-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoyle Casino on Game Boy Color (<http://gameboy.ign.com/articles/164/164559p1.html>).**

11. The Office firmly believes the claim limitations that contain patentable weight in these claims have been addressed with the rejection provided above. However if applicant wishes to argue the wagering limitation of these claims, the applicant should respectfully consider the following reference. Hoyle Casino offers the ability for two people each with their own GB Color system, to play a multiple player casino game through a 'game link' cable (Hoyle Casino: Features). Therefore the this LAN network created by the 'game link' cable has two media control units or GB Color Systems and a

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gaming control unit or the input interface that receives input to control the wagering or Hoyle Casino game and cause an outcome to occur in the game.

### ***Response to Arguments***

Applicant's arguments filed on September 7, 2007 have been fully considered but they are not persuasive. The Office would like the state that the Examiner offered the applicant the reference combination of Time Splitters 2 and iLink to acknowledge the limitations of claims that contain the PS2 as the media control unit instead of grouping all of the claims under an XBOX reference. Therefore proving that an XBOX and PS2 both have the hardware capability of connecting to themselves for gameplay purposes. Furthermore the features that are relevant to this case that are in the game Time Splitters 2 for PS2 are the same for the XBOX as stated in the reference article provided.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian E. Rendón whose telephone number is 571-272-3117. The examiner can normally be reached on 9 - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christian E Rendón  
Examiner  
Art Unit 3714

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TC370